IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 18314 of 1994

Between:

E. Kondaiah, S/o Kondaiah,
A.P.S.W.R. School (G), Chinna Chowk,
Cuddapah dist.

..... PETITIONER

AND

1 The Secretary,
A.P. Social Welfare Residential Institutions Society, Telugu

Samkshema Bhavan, Masab Tank, Hyderabad.
2 The chairman, A.P. Social Welfare Residential Educational Institutions

Society, Telugu Samkshema Bhavan, Masab Tank, Hyderabad.
3 Smt. B.K. Prasanna Kumari,
A.P.S.W.R.S.(B), Chinnachowk, Chuddapah dist.
4 Smt. K. Uma Devi,
A.P.S.W.R.S.(B), Brahmamgarimattam, Chuddapah dist.

(RR 4 & 5 dismissed for default vide court order dt:14.12.99)
5 Smt. G. Sujatha Reddy,
A.P.S.W.R.S.(B), C. Belgal, Kurnool dist.

(RR 4 & 5 dismissed for default vide court order dt:14.12.99)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction particularly in the nature of writ of Mandamus declaring the proceedings of the 2nd respondents in proceedings Rc.No.A3/1224/93, dt:21-7-1993 so far transferring respondents 3 to 5 to Zone IV in the existing vacancies of physical sciences without promoting the Petitioner as P.G.T. by 25-2-1993 as illegal, arbitrary and violative of service Rules of A.P. Social Welfare Residential Educational Institution Society and consequently direct the respondents to fix the date of promotion of the petitioner as PGT as 25-2-93 instead of 27-9-1993.

Counsel for the Petitioner: MR SYED SHAREEF AHMED

Counsel for the Respondent No 1 & 2:Mr. Moola Vijaya Bhaskar
Counsel for the Respondent No.3: Mr.P.Srinivasulu

The Court made the following:

THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

W.P.No.18314 of 1994

ORAL ORDER:

This writ petition is filed challenging the proceedings of the second respondent in RC.No.A3/1224/93, dated 21.07.1993, so far transferring respondents No.3 to 5 to Zone-IV in the existing vacancies, without promoting the petitioner as Post Graduate Teacher in Physical Science by 25.02.1993, as illegal and arbitrary and consequently to direct the respondents to fix the date of promotion of the petitioner as Post Graduate Teacher as 25.02.1993 instead of 27.09.1993.

The petitioner stated that he was appointed as a Trained Graduate Teacher in Physical Science by the first respondent on 25.02.1991 and posted at C.Belgal. He got eligibility for the promotion of P.G.T in Physical Science by attaining two years of service as T.G.T. by 25.02.1993 according to the service Rules of A.P. Social Welfare Residential Educational Institution Society.

He further stated that the second respondent by his proceedings in RC.No.A3/1224/93, dated 21.07.1993 effected inter-zonal transfers of P.G.T on request of the individuals concerned and in the month of July, 1993 direct recruitment was made by the authorities for the post of P.G.Ts. and the same will effect his seniority in the category of Post Graduate Teacher. Basing on the representations filed by the petitioner, the first respondent by his proceedings in RC.No.F1/1360/93, dated 27.09.1993, has promoted the petitioner as Post Graduate Teacher.

The grievance of the petitioner is that he was eligible for promotion as Post Graduate Teacher from February, 1993 and at that time four vacancies of

P.G.T in Physical Science were available in Zone-IV, but ignoring his claim those vacancies were filled up by inter-zonal transfers and subsequently direct recruitment was also made and subsequent to that on 27.09.1993, he was promoted to the said post and as such he made junior to direct recruits as well as the candidates who were transferred by way of inter-zonal transfer, and his further promotional chances are marred.

In the counter affidavit filed by the respondents, it is stated that it is open for the authorities to fill up the vacancies of P.G.Ts arising in the respondent society either by way of direct recruitment duly following the required process or by promotion of the eligible T.G.Ts to the P.G.T. post. It is submitted that soon after the completion of two years service in T.G.T category, no one can claim any right for promotion to the category of P.G.T, even though he fulfills the requisite qualifications. However, by taking into consideration the qualifications possessed and the length of service rendered in T.G.T. cadre by the petitioner, he was promoted to Post Graduate Teacher in Physical Science on 27.09.1993.

It is stated that no recruitment of the said post was made in Zone-IV during July, 1993 for want of vacancy. It is categorically stated that no person was appointed in the said post by way of direct recruitment in Zone-IV before and after the completion of two years service in T.G.T cadre by the petitioner.

In view of these categorical averments made in the counter affidavit, I do not see any ground to entertain the writ petition. The writ petition is accordingly dismissed. No costs.

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(GHULAM MOHAMMED, J)

Dated 22nd July, 2004.

YCR/KK

To

1 The Secretary, A.P. Social Welfare Residential Institutions Society, Telugu Samkshema Bhavan, Masab Tank, Hyderabad.
2 The chairman, A.P. Social Welfare Residential Institutions Society, Telugu Samkshema Bhavan, Masab Tank, Hyderabad.
4. 2 CCs to GP for Social Welfare, High Court Bldgs, Hyderabad. (OUT).

5. 2 C.D. copies.